

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

DANIEL WAYNE BYERS

PETITIONER

v.

CAUSE NO. 1:15CV395-LG-MTP

MARSHALL TURNER, Warden

RESPONDENT

CERTIFICATE OF APPEALABILITY

A final order adverse to the applicant having been filed in the captioned habeas corpus case, in which the detention complained of arises out of process issued by a state court or a proceeding pursuant to 28 U.S.C. ' 2255, the court, considering the record in the case and the requirements of 28 U.S.C. ' 2253, Rule 22(b) of the Federal Rules of Appellate Procedure, and Rule 11(a) of the Rules Governing Section 2254 Cases in the United States District Courts, hereby finds that:

 X A Certificate of Appealability should not issue. The applicant has failed to make a substantial showing of the denial of a constitutional right.

 A Certificate of Appealability should issue for the following specific issue(s):

SO ORDERED AND ADJUDGED this the 16th day of September, 2017.

s/ Louis Guirola, Jr.

LOUIS GUIROLA, JR.
CHIEF U.S. DISTRICT JUDGE